

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:)	
)	Chapter 11
RS FIT NW LLC,)	
)	Case No. 20-11568 (TMH)
Debtor.)	
)	(Jointly Administered)
)	
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24 HOUR FITNESS WORLDWIDE, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
CONTINENTAL CASUALTY COMPANY;)	Adv. Pro. No. 20-51051 (TMH)
ENDURANCE AMERICAN SPECIALTY)	
INSURANCE COMPANY; STARR SURPLUS)	
LINES INSURANCE COMPANY; ALLIANZ)	
GLOBAL RISKS US INSURANCE COMPANY;)	
LIBERTY MUTUAL INSURANCE COMPANY;)	
BEAZLEY-LLOYD'S SYNDICATES 2623/623;)	
ALLIED WORLD NATIONAL ASSURANCE)	
COMPANY; QBE SPECIALTY INSURANCE)	
COMPANY; and GENERAL SECURITY)	
INDEMNITY COMPANY OF ARIZONA,)	
)	
Defendants.)	
)	
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**PLAINTIFF 24 HOUR FITNESS WORLDWIDE, INC.'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

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WORLDWIDE, INC.

Plaintiff 24 Hour Fitness Worldwide Inc. (“**24 Hour**”) hereby submits its motion (the “**Motion**”), pursuant to Rule 56 of the Federal Rules of Civil Procedure, as made applicable to the above-captioned adversary proceeding by Rule 7056 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and in accordance with Rule 7007 of the Local Rules for the United States Bankruptcy Court, District of Delaware (the “**Local Rules**”), for partial summary judgment.

In support of the Motion, 24 Hour has filed contemporaneously herewith and incorporated herein by reference, (1) 24 Hour’s Memorandum of Points and Authorities in Support of its Motion for Partial Summary Judgment (the “**Brief**”), (2) the Declaration of Dan Larson in Support of 24 Hour’s Motion for Partial Summary Judgment (the “**Larson Decl.**”), (3) the Declaration of Jeremy Gottlieb in Support of 24 Hour’s Motion for Partial Summary Judgment (the “**Gottlieb Decl.**”), (4) the Declaration of Dr. Mercedes Carnethon in Support of 24 Hour’s Motion for Partial Summary Judgment (the “**Carnethon Decl.**”), (5) the Declaration of David Weiss in Support of 24 Hour’s Motion for Partial Summary Judgment (the “**Weiss Decl.**”), (6) 24 Hour’s Request for Judicial Notice in Support of 24 Hour’s Motion for Partial Summary Judgment (the “**RJN**”), and (7) the Appendix in Support of 24 Hour’s Motion for Partial Summary Judgment (the “**Appendix**”).

WHEREFORE, for all of the reasons stated in the Brief, in any reply and oral argument, 24 Hour respectfully requests this Court to enter an order, in substantially the form attached hereto as **Exhibit A**, (i) granting partial summary judgment in favor of 24 Hour; and (ii) granting such other and further relief as is just and proper.

Dated: November 10, 2023

Respectfully submitted,

REED SMITH LLP

/s/ Mark W. Eckard

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